

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DON HAMRICK,

Plaintiff,

v.

ALAN GOTTLIEB, et al.,

Defendants.

CASE NO. C05-1505RSM

ORDER

Plaintiff Don Hamrick, appearing *pro se*, has presented this complaint for defamation and “violation of state and federal antitrust laws” without payment of the filing fee, asserting that pursuant to 28 U.S.C. § 1916 he need not do so because he is a seaman. The cited section states,

In all courts of the United States, seamen may institute and prosecute suits and appeals in their own names and for their own benefit for wages or salvage or the enforcement of laws enacted for their health or safety without prepaying fees or costs or furnishing security therefore.

28 U.S.C. 1916. The complaint here, which appears to be a civil rights suit based on the Second Amendment, does not fall within the reach of this statute, regardless of plaintiff’s status as a merchant mariner. He may not invoke this section to avoid payment of the filing fee. Accordingly, it is hereby

ORDERED:

(1) This action shall proceed only upon payment of the filing fee. If no fee is paid within twenty days of the date of this Order, the Clerk shall terminate the case from the court’s docket.

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1 (2) Plaintiff's motion to appoint the United States to effect service upon defendants is DENIED.

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4 DATED this 4th day of November, 2005.

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9 RICARDO S. MARTINEZ
10 UNITED STATES DISTRICT JUDGE
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